

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-13 remain pending. Claims 1, 7, and 13 are independent. In this Reply, Applicant has amended the claims to clarify the invention recited therein. These amendments are not believed to narrow the scope of invention.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 3-4 and 9-10 would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims. Although these claims have been amended for clarification purposes, Applicant submits that such amendments do not affect the allowability of these claims. Furthermore, for at least the reasons set forth below, Applicant respectfully submits that all pending claims should be indicated as allowable.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 5 and 11 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

In reply to the Examiner's indication that the phrase "such as" in claims 5 and 11 renders these claims indefinite, Applicant has appropriately amended these claims to remove this claim

language. Consequently, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Prior Art Rejection

Claims 1-2, 5-8, and 11-13 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by *Tanaka et al.* (U.S. Patent 6,256,509). This rejection is respectfully traversed.

Independent claim 1 is directed to a system for contents distribution comprising: a distribution station, which distributes contents to a plurality of reception stations through wireless communication channels. The distribution station allocates, in response to a distribution request for the contents from a reception station, a broadcast channel for simultaneous distribution to all the reception stations, or an occupied channel individually set for the reception station that requested distribution of the contents, as a channel used for distribution of the contents to the reception station that requested distribution of the contents, according to the total number of reception stations already receiving distribution of the contents.

Therefore, according to the invention of claim 1, the distribution station allocates a broadcast channel for simultaneously distributing contents to all of a plurality of reception stations, or an individually-set channel for distributing the contents to a requesting reception station according to the

total number of reception stations already receiving distribution of the contents being requested.

The applied reference, *Tanaka*, discloses a wireless communication system in which a contents provider system 10 communicates with a plurality of mobile stations 60A-60N via a communication provider system 20, which includes a wireless communication apparatus 30. In such a system, a downlink traffic channel (communication provider system 20 to mobile station 60A-60N) is employed as a broadcast channel for distributing broadcast information simultaneously to a number of mobile stations. See e.g., Fig. 1; col. 5, lines 30-37. Applicant submits, however, that *Tanaka* fails to disclose or suggest the selective channel allocation recited in independent claim 1, in which the distribution system allocates, in response to a distribution request for contents from a reception station, a broadcast channel or an individually-set channel according to the total number of reception stations already receiving distribution of the requested contents.

According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in

the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of anticipation with regard to claim 1, and any claim depending therefrom. Furthermore, independent claims 7 and 13, and any claims depending therefrom, define over the teachings of *Tanaka* based on similar reasoning to that set forth above with regard to claim 1.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Revised Abstract of the Disclosure